



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Monday, February 27, 2017

6:00 PM

Council Chambers
200 West Walker Street

Council Work Session

The City Council of the City of League City, Texas, met in a work session in the Council Chambers at 200 West Walker Street on the above date at 6:00 p.m.

Mayor:

Pat Hallisey

City Council Members:

**Dan Becker
Hank Dugie
Larry Millican
Todd Kinsey
Greg Gripon
Keith Gross
Nick Long**

City Manager:

John Baumgartner

Assistant City Manager/Director of Finance:

Rebecca Underhill

City Attorney:

Nghiem Doan

City Secretary:

Diana M. Stapp

Chief of Police:

Michael Kramm

Director of Human Resources/Civil Service:

Janet Shirley

Director of Parks & Cultural Services:

Chien Wei

Director of Planning/Development:

Paul Menzies

Director of Public Works:

Gabriel Menendez

1. CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Hallisey called the meeting to order at 6:00 p.m. and called the roll. All members of Council were present except Todd Kinsey and Nick Long.

Absent 2 - Mr. Todd Kinsey and Mr. Nick Long

Present 6 - Mayor Pat Hallisey, Mr. Dan Becker, Mr. Hank Dugie, Mr. Larry Millican, Mr. Greg Gripon and Mr. Keith Gross

2. PUBLIC COMMENTS

NAME	ADDRESS	SUBJECT
Steve Duncombe	1303 Coryell	Butler Longhorn Museum

3. PRESENTATION AND DISCUSSION RELATED TO THE CITY'S DEVELOPMENT REGULATIONS INCLUDING, BUT NOT LIMITED TO, GROUP HOMES/ASSISTED LIVING FACILITIES, SIGNS, SHIPPING CONTAINERS, AND ADMINISTRATIVE APPROVAL AUTHORITY

Paul Menzies, Director of Planning and Development, said I have a number of issues to discuss this evening related to our zoning ordinance. One of them we are bringing back to you is shipping containers that you had asked for, and then three others that are new that have been discussed informally. All four of these we are seeking direction from you tonight, whether to move forward with amendments to the ordinance. If any of these get moved on then they will have a notice of public hearing, have a public hearing at P&Z, and will probably come back to you sometime in April.

One is I want to briefly talk about our development process to give everybody some perspective from the big picture, then we can talk about the specifics. The handout I provided answers what I suppose has been the age-old question in League City, 'What is the City's development process?'. Our Economic Development folks along with myself put this handout together last year. Now this didn't change our development process, it just kind of explained it in a graphical form. It's real simple. First, are you in the city limits? And what is the property zoned? A lot of the projects or requests that you see that come out of my office are certainly zoning related. Once we know that it is zoned correctly you go on to the platting stage, which is platting and infrastructure. That's a subdivision plat, and you delegate a lot of that authority to the Planning and Zoning Commission to approve the plats. Once the infrastructure (water, sewer, paving, drainage) is in, all those things that a developer would put in that will eventually become the maintenance responsibility of the taxpayers. There are certain development laws related to how that infrastructure that is put in becomes the property of the taxpayers. And at the end of that piece you'll usually see the infrastructure accepted by Council as public. So now we're zoned correctly, we have our subdivision plat, and our infrastructure is in. Then we get down to the building permit phase. A building permit is bifurcated into two pieces: the actual vertical piece, which is your construction plans; and then the site plan. I want to emphasize "site plan" because I'm going to talk about that a little bit more as we continue. Once you have your building permit there are building inspections as the project goes on, all with the goal of a certificate of occupancy and open for business. Where our development process is not unique, this is generally the process in cities across Texas. How we present it in this format, we're continuing to work on.

I've heard a lot of you comment on this, that it's a good tool, can we change it up a bit? I can tell you the goal of this very document is to have it become a webpage that you can then click on any one of the blue boxes (annexation, zoning, platting/subdivision, infrastructure) to get all the information, get the forms to get that processed. We're trying to make it as easy as we can for folks, get enough information out there. That is our development process.

If you'll allow me to go back to the zoning piece and show you the City's zoning map. It's not simply just a graphical representation of the zoning districts in our city, it is the law. So, when I say the zoning ordinance this would be Exhibit A to that ordinance. It's a graphical representation of what each property in town is zoned. As you'd expect, right along IH45 you can see it is generally zoned commercial, and as we go away from IH45 it becomes residential zones. This is a legal document. If somebody comes in and says I want to do this project, the first thing that our Planning staff looks at is this map to see what the property is zoned. The second thing we'll do is go into the ordinance and see what is allowed within the zone. Another example of what is in our zoning ordinance is parking. If a new business comes in, whether it's a restaurant, a retail business, depending on generally how many square feet that building is going to be, we have parking calculations for that. For example, food and beverage sales, that might be a grocery store, would need to have one parking for every 250 square feet. We have a number of different uses. When you hear issues from constituents, developers about a zoning issue this is generally where they crop up. There are different ways to handle things and again we're going to talk about that a little bit.

Again, League City did not have zoning until the year 2000, so we're almost 17 years into this and still relatively young with our zoning ordinance. The framework of our current zoning ordinance dates to about 2005 so it is beginning to date a little bit. We have made some minor amendments since that framework. Again, we saw it regulates via a map as districts that allow specific uses. There are things in there such as specific lot size, parking, landscaping. When you see a new building, a commercial establishment that opens up and has a nice landscaping in the parking lot, while they may have wanted to do that our laws require it. So, there's a reason that stuff is there. Exterior construction material, that's our masonry standards. Setbacks, always a point of discussion. Then site plan review, our ordinance requires a site plan review. That's that bifurcated process, a vertical piece of the building permit and the site plan. As part of the amendments, you have a pre-submittal neighborhood meeting, then it goes to P&Z and then comes to Council. If any of these that we discussed tonight, Council directs staff to move forward with it will go to P&Z and then back up to the Council. Some recent zoning cases that have amended the ordinance, but are examples of projects that have gone through a successful amendment to the zoning ordinance include Kroger Marketplace, Delaney at South Shore (next to Clear Creek High School), Cabela's (the exterior design standards), Vanderford Heating and Air, and then Honda of Clear Lake. Again, I want to emphasize those last two because those are the special use permits (SUP). SUPs aren't random, there is not a specific project size that requires an SUP. SUP's needs to go through the process and those projects

generally turn out very well as we've seen.

Some of the initiatives the staff has been working on you'll hear these tonight. They are amendments to the zoning ordinance we're proposing tonight. There's a push, particularly by me and our engineering staff to take a comprehensive look at our subdivision ordinance. That's the infrastructure piece. I do think it's time to revamp that. I think we've outgrown our current subdivision ordinance. Our sign regulations, which are generally part of zoning. One of the things you've heard us talk about and how we're continuing to improve on how we handle new development in this town is our one-stop shop. The old police station was remodeled the last couple of years so we have all those departments in one spot. Now you don't have to drive all over town to find them. Then some of the improvements that we talk about are just not recent, we have been doing this for as long as I have been here. One of the first things that we looked at and did improve upon was what we call the Development Review Committee (DRC). The Development Review Committee is an internal group of staff members, that when a development project comes in such as a site plan, a zoning case, or a subdivision plat, it goes through that internal group to make sure that it meets all of the various development related ordinances. Some of you may remember, or recall a term that the Development Review Committee apparently became four or five years ago, which was the "League City Gauntlet". So we have dismantled that. Those of you that have attended the Economic Development Task Force meetings might say we dismantled it. We don't do that anymore. We handle it completely different and you will see the way we approach them as project focus, as opposed to process focus. You've heard me say, give these projects the love and attention they want, they need, and deserve. Get them out the door and let's get them built. Then again, what we're going to talk about tonight is building permits and site plan review.

Back to the chart, the first thing I want to talk about this evening is site plan review which is part of the building permit review. After about three years we have done our best to dismantle the DRC from what it once was and become more project focused. We're doing a better job of telling the development community what they need to submit to us to get this thing turned around in a timely fashion. We weren't doing a very good job of that previously. Now there's always going to be those folks that really don't have any interest in submitting to us a plan, but that's the rare occasion. The second piece of that, if there was one thing in the entire process where I feel we have the greatest room for improvement it is site plan review, how does the site layout as part of the construction project. That is a formal submittal to the city. It gets reviewed by the DRC and any comments are given back to the developer which starts the cycle again. Our goal is to continue to improve on that to where that cycle is only once or twice, as opposed to four or five. One of the reasons there are so many comments is we haven't done a good job of letting the applicant understand or know what we expect of them, so we have developed check lists. So after we have received and reviewed the project we have some minor details that may be or keeping the project from being approved. So what I want to talk about tonight is being able to administratively approve those minor details that may not be 100% in accordance with the ordinance. So as it comes to site

plan review, let's say there is a landscaping issue, set back issue, building height issue or maybe separation issue, the zoning ordinance provides for any deviation to that requires a variance. Variances go to your board of adjustments (ZBA) but they are generally considered a product of the State of Texas. They must find a hardship other than just wanting to do it, which is rare and the high threshold piece. To go through that process is about two to three months and if you are denied the only recourse is going through the District Court. If those minor issues come up that is not a great process to go through if you are trying to get your project underway. So what I am asking for is that the City Planner would be granted some leeway for some minor deviations. In your handout I provided some proposed language for amendment to the ordinance, generally again part of a building permit. Any approval doesn't set any precedent for any future projects, it should facilitate a higher standard elsewhere, and should not otherwise constitute a variance. So the idea is that as these projects comes in they are in the review stage, and a full or minor issue that we couldn't have otherwise foreseen until we designed the project, is there any way to get relief from this. Absolutely there is, we don't have to go through the variance process and we don't have to go through an endless cycle of review.

Second issue, the sign we are going to talk about this evening is the McDonald's sign at FM518 and I-45. As the State of Texas comes through and acquires additional right-of-way for the widening of I-45, the situation that has arisen is that this sign is within that right-of-way that TxDOT is proposing to take through imminent domain from McDonald's. With regards to our sign ordinance what we are talking about tonight is existing grandfathered signs. That sign is about 110 feet tall, predates our sign ordinance and maybe predates permit requirement. None the less our current sign ordinance says that in those situations you are grandfathered as is, but if you make any alterations, get new permits, or it is moved you have to come into compliance. So from this perspective that 110 ft. sign is would need to come down to 42 ½ feet which is the current city standard. Current law says if you move it, it needs to come down to 42 ½ feet to be a compliant sign. The land owner has had a number of conversations about solutions. There is a variance process that we just talked about, probably a difficult challenge because with a variance you have to find a hardship. It can't be monetary or solely monetary. They could comply with the current standard. The ordinance could be amended for these specific situations, that when right-of-way is taken by imminent domain, to allow the sign to be moved "as-is" as requested by the property owner. Or we could do anything in between, amend the ordinance to split the difference. So we are seeking some direction on what we would like to see in this situation and anything else that crops up along I-45. I am not familiar with any other situations, this may be the only one or it may be one of two or three.

Regarding shipping containers, the last page in your packet provides you the research that staff had presented in January as to the other cities. You then directed staff to propose some amendments that would allow shipping containers subject to conditions. Again they are currently prohibited but under the proposal they would be allowed in our commercial/industrial zones with a building permit. They would need to meet the

normal setback in that zone. They can't locate the unit in any sort of required landscape area, required parking spaces, required buffer area. They can't be stacked on top of each other or have any power source unless they otherwise meet the requirements of the building and fire code. This is something that the Fire Marshal's office was very adamant about. Should not be used for occupancy unless they are engineered and permitted through our building and fire codes to be habitable. I think one of the things we unanimously heard last time is they need to be screened in some form or fashion and these screening regulations would require them to be screened all the way around with a fence or wall a foot taller than the container itself. There are some exceptions listed in the latter half of the handout. I think one of the things we need to consider is there are a number of installations across town already, some of them illegal meaning they came in after 2005 and some of them legal meaning they came in before 2005. The idea is to allow those to remain as is, or invoke a grandfathering clause on those with the exception and possibility of any illegal installations that we find, or may come up in residential areas. Again, another exception would be what we already have, is during an active building permit the contractor can have those on site. In disaster situations, say after a hurricane or flood, the building official and city planner can make sure these are use appropriately to help with the reconstruction efforts. Use on City owned property with the approval of the City Manager. And this was one that again was universally requested, the seasonal allowance for some of the big box retailers which currently occurs. You asked for a list of things to choose from and so this is what staff is proposing.

Last issue for this evening, Assisted Living Facilities and Group Homes. I will get this started and then turn it over to the City Attorney. For some background, some of you remember in 2015 there was a proposed group home in Meadowbend that some of the neighbors had contacted the city about. Just that contact caused us to look at our regulations on the matter and how we zone both Assisted Living Facilities and Group Homes. Group Homes – 6 or fewer folks of certain protected classes, are allowed under Federal and State Law to live in single family homes. We noticed that our regulations at that time were consistent, needed to be updated and so in 2015 we updated them. A lot of folks including myself misremember that those updates of the regulations didn't prevent that particular group home from coming to Meadowbend, it was simply the owner decided to go somewhere else. Later in 2015 the Department of Justice (DOJ) published some new rules regarding these types of uses. The City Attorney, City Manager and I recently met at the DOJ request with them on our regulations as they had some questions and concerns.

Nghiem Doan, City Attorney said we met with an attorney from the DOJ and he is looking into this matter. To keep it brief there are only three main concerns that they feel strongly that the City looks at and makes some changes about. They basically relate to separation or spacing requirements, basically how much distance between each of these types of facilities; one has to do with some parking standards that our regulations currently require of these facilities; and lastly some lack of clarity in the definitions we have. On the first one, currently our zoning ordinance requires a half mile separation

between such facilities in town. The DOJ attorney stated that he thought a half mile was entirely too great a distance, too much separation to require. We have seen other cities have separation as small as 800 feet but the DOJ attorney made the point that even that could be too far. He gave the example of two lots that might have back yards in situations such that they would fall within 800 feet but the way you get to them would not be straight line measurement. Some ideas that we kicked around as suggested was maybe a percentage saturation for any particular area. We will be coming back with a proposal to go away from the 1/2 mile, straight separation requirement. DOJ second concern had to do with the parking standards that we have. Those facilities in our regulations currently are required to provide sufficient off street parking spaces (1 for every 3 residents, plus 1 for each employee). So when we counted it out it could exceed 4 parking spaces which a typical residential driveway at most could accommodate. So in that situation, that particular home our regulations would require additional pavement. Our regulations also require screening with a fence for the parking facilities. DOJ has a big problem with that because as they point out the whole notion of a recovery home is that you are trying to get these folks to assimilate back into the community and you don't do that by having them live in a place that looks different from all the other house. So we agree that that is something we probably need to change and we will come back and propose some changes. And thirdly, just clarification of the definitions. In our zoning code we have two types of facilities: assisted living facility and disabled group dwelling. There is some overlap and inconsistency that the DOJ pointed out so we will come back with some clean up on that as well. I wanted to make council aware of the concerns, and now that we have drilled down to the DOJ issues you will expect to see staff come back at a later date in terms of changes.

4. DISCUSSION REGARDING THE BUTLER LONGHORN MUSEUM CONTRACT

John Baumgartner, City Manager said just a brief background how we got here. I think most of the council knows that over the last few years we have charged the Butler Longhorn Museum of being completely self-supporting. One of the ways that they do that is they put on events. Some of the events are outside, and with the outside events even with our restrictions on no noise after 10 pm and no excessive noise, we have had trouble meeting the needs of the neighborhood. So we have a museum that has become an event venue in order to raise sufficient funds to operate independently of the city. And because of the complaints of the neighborhoods we have quit issuing noise permits, stopped most of the input from the neighbors. It has put the museum in probably a challenging position as to how they meet their budget. We have been asked to look at what does that mean to us short term and long term. I think Becky is ready to move forward with a quick presentation on that.

Rebecca Underhill, Assistant City Manager said Mr. Baumgartner outlined the situation that we are in. He and I met with representatives of the museum and they provided us with information on their loss of revenue. The last outdoor event they held at the museum was in November. When looking at their financials those outdoor events provide about 75% of their income. So based on those circumstances they have an immediate need of \$14,000 to get them through the month of April. As we look at their total budget and their loss of income by losing these outside events that is about \$70,000 per year. We have an item on the agenda for tomorrow for council to give staff direction as to how to proceed. There is an existing lease with the museum that was approved in August of last year, a three-year lease with a three-year renewal. They pay the city \$100 per month to lease the building. Prior to this lease they were also trying to pay their electric bill, but the city absorbed the electric bill under this lease. So we are looking to the council on how to proceed. They have defiantly have demonstrated to us the financial need.

Mr. Baumgartner said so tomorrow what our suggestion would be is we provide the Butler Longhorn Museum some stop gap funding to get them through the end of April. And then with Council's direction work on a contract amendment to provide a larger portion of their funding consistent with what we think their needs are and that would come back to council late March or April.

Chien Wei, Director of Parks & Cultural Services said I went back and looked at our budgets from 2008, 2009 and 2010. The museum opened in 2009 and we budgeted about \$230,000 each year that came out of the general fund to operate the museum. We had 3 full time staff members. In 2008, out of that \$230,000 budget, our actual expenditures were \$180,000. In 2009 we started phasing out between city operated and passing on the museum and spent \$80,000.

5. **PRESENTATION AND DISCUSSION REGARDING THE FIVE CORNERS
REALIGNMENT PROJECT**

Gabriel Menendez, Director of Public Works said this presentation is basically to let you know what is planned and proposed for the Five Corners Realignment Project. The project has been let by Department of Transportation (TxDOT) and they are getting ready to move forward with construction. Today what I would like to talk to you about is one of the change orders that we are asking for in agenda item 10F. That change order has to do with operational improvements that we see are beneficial to the intersection and some design changes to support those operational changes. I want to start with some of the geometrical changes I am proposing and show you a simulation of what would happen to traffic and how it would be improved. In the extension of FM270 TxDOT was proposing to do with the current design was to create seven lanes: 3 through lanes, 2 dual left turn lanes and 2 through lanes going north.

One of the changes that we are proposing is for 2 eastbound lanes with dual left turn lanes and 3 northbound lanes, and we don't have to build any additional pavement as with the TxDOT proposal. There are three signalized intersections with this project, two that exist today and the third one would be at the new extension on FM270 to facilitate the movements. We will be able to manage them with two traffic signal controllers and the importance of that is we can keep them in lock step a lot better. When I first got here one of the first things I was asked to do is look at the operation of this project and not enough was being done with the geometry to help improve the operations of the intersection. (Four simulation videos were shown)

Mr. Baumgartner said so today we have a project that has been approved by TxDOT. We didn't run in when Gabe first got here and proposed this change. We talked to TxDOT and they told us to bring it forward as a change order and provide us a set of revised plans. This is the change order for engineering that is on your agenda tomorrow night. This is mostly a restriping plan and we believe that by making the intersection and the signals work more efficiently we will get more traffic through there. In order to lengthen the right turn lane today that is proposed for westbound to the northbound movement we would have to buy more right-of-way. So we would suggest that we continue to move ahead with the project as designed and if we needed to lengthen the right turn lane look at that as a future project.

9. CONDUCT A WORK SESSION OF THE CITY COUNCIL TO RECEIVE INFORMATION CONCERNING AGENDA ITEMS APPEARING ON THE MEETING AGENDA FOR THE FEBRUARY 28, 2017 MEETING OF THE CITY COUNCIL OF THE CITY OF LEAGUE CITY

NO VOTE OR ACTION WILL BE TAKEN ON ANY ITEM UNDER CONSIDERATION

18. ADJOURNMENT

At 9:07 p.m., Mayor Hallisey said, there being no further business this meeting is adjourned.

PAT HALLISEY
MAYOR

DIANA M. STAPP
CITY SECRETARY

(SEAL)

MINUTES APPROVED: April 25, 2017